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Record of Decision Final Environmental Impact Statement

on Management for the Northern Spotted Owl in the National Forests



U.S. DEPARTMENT OF AGRICULTURE
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RECORD OF DECISION

U. S. Department of Agriculture Forest Service

Management for the Northern Spotted Owl
in the National Forests

Amendments to the Regional Guides
Pacific Northwest Region
Pacific Southwest Region

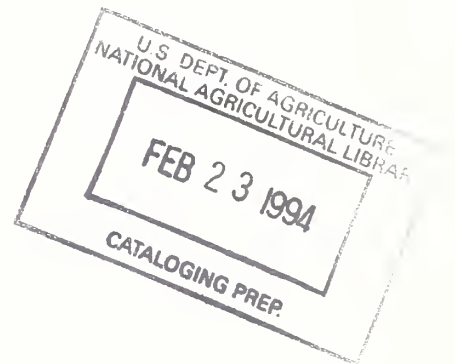
Amendments to the Land and Resource Management Plans
Deschutes, Gifford Pinchot, Modoc, Mount Baker-Snoqualmie,
Mount Hood, Okanogan, Olympic, Rogue River,
Siskiyou, Siuslaw, Umpqua, Wenatchee, Willamette,
and Winema National Forests

Management direction pending completion of Land and Resource
Management Plans
Klamath, Lassen, Mendocino, Shasta-Trinity, and Six Rivers
National Forests

States of Washington,
Oregon, and California

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I. Summary of Decision

This Record of Decision (ROD) documents my reasons for adopting Alternative B of the Final Environmental Impact Statement (FEIS) published in January 1992. This decision is direction for managing habitat for the northern spotted owl on the National Forests within its range in Washington, Oregon, and California. Alternative B is based on the strategy proposed by the Interagency Scientific Committee (ISC) in its 1990 report "A Conservation Strategy for the Northern Spotted Owl" (Conservation Strategy). The Conservation Strategy is flexible and should be more than adequate to provide a high likelihood of maintaining viable populations of the northern spotted owl, and allows new information to be incorporated to modify the Strategy, if appropriate. This Record of Decision adopts a scientifically credible plan to protect spotted owl habitat on National Forests, while minimizing the loss of jobs and revenue in communities dependent on National Forest timber harvest. However, this decision is not a decision to harvest trees or undertake any other specific activity on any of the National Forests in the planning area. This decision is in accordance with the requirements of the National Forest Management Act (NFMA) as interpreted by the Federal District Court in Seattle Audubon Society, et al. v. Evans, et al., No. 89-160WD, (SAS v. Evans). My intent is to move management of the National Forests out of the court system.

This decision results in 5.9 million acres, including wilderness, of National Forest System lands being managed primarily for northern spotted owl habitat as Habitat Conservation Areas (HCAs). The decision establishes standards and guidelines for activities within the HCAs to ensure that nesting, roosting, and foraging habitat is available for the spotted owl. Also, this decision establishes standards and guidelines for timber management and other management activities on National Forest System lands between the HCAs to provide dispersal habitat for the owl. In addition, this decision provides for an integrated inventory, monitoring, and research program.

This decision amends the Pacific Northwest and Pacific Southwest Regional Guides to meet the regulatory requirement to manage habitat to maintain viable populations of the northern spotted owl as part of planning for overall multiple-use management of the National Forests. It also amends Land and Resource Management Plans (Forest Plans) for National Forests in Washington, Oregon, and California within the range of the spotted owl to ensure that planning and implementation of projects on the affected National Forests are consistent with this direction. For National Forests in California with Draft Forest Plans, the standards and guidelines and area designations in the Regional Guide will serve as direction for managing northern spotted owl habitat. The direction will be included in Forest Plans as they are completed.

The scope of this decision is limited to the management planning direction necessary to maintain viable populations of the northern spotted owl throughout its range on National Forest System lands. This decision does not analyze, define, or propose solutions for other issues, such as removing the northern spotted owl from the list of threatened species under

the Endangered Species Act, managing old-growth forest ecosystems on National Forest System lands, or managing spotted owl habitat on other Federal, state, tribal, or private lands.

The northern spotted owl is also protected on National Forest System lands as a threatened species under the Endangered Species Act. In addition, the U.S. Fish and Wildlife Service is developing a Recovery Plan for the northern spotted owl. After a Recovery Plan is approved by the U.S. Fish and Wildlife Service and the Forest Service has identified objectives for National Forests under the Recovery Plan, management planning direction provided by this Record of Decision will be evaluated and adjusted as appropriate. However, the Conservation Strategy should promote recovery of the northern spotted owl if it is followed by other Federal agencies.

II. Background

Events Leading to This Decision

The Forest Service previously promulgated management guidelines for the northern spotted owl in the Pacific Southwest Regional Guide in 1984 and in an amendment to the Pacific Northwest Regional Guide in 1988. In October 1989, an Interagency Scientific Committee was established under an interagency agreement among the Forest Service in the U.S. Department of Agriculture, and the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the National Park Service in the U.S. Department of the Interior. This Committee of Scientists was charged with developing a scientifically credible conservation strategy for the northern spotted owl. In its April 1990 report, the Interagency Scientific Committee reported that the spotted owl was imperiled over significant portions of its range and proposed a Conservation Strategy.

In June 1990, the U.S. Fish and Wildlife Service listed the northern spotted owl as a threatened subspecies throughout its range under the Endangered Species Act. The primary reasons given for the listing were widespread loss of habitat due to timber harvesting and the lack of effective regulatory mechanisms at the time to protect the subspecies. By notice in the Federal Register (55 FR 40412, October 3, 1990), the Secretary of Agriculture vacated the existing standards and guidelines for northern spotted owl habitat management in the Pacific Northwest and Pacific Southwest Regional Guides. Pending further direction under Endangered Species Act procedures, the notice directed the Forest Service to conduct timber management activities in a manner not inconsistent with the Conservation Strategy developed by the Interagency Scientific Committee. On March 7, 1991, the Federal District Court, Western Washington, ruled in SAS v. Evans that the notice did not constitute compliance with the procedural requirements of the National Forest Management Act. On May 23, 1991, the court further ordered that "The Forest Service is enjoined to proceed diligently in compliance with NFMA . . . and to submit to the court and have in effect by March 5, 1992, revised standards and guidelines to ensure the northern spotted owl's viability, together with an environmental impact statement, as required by NFMA and its implementing regulations."

The Viability Requirement in National Forest Planning

The National Forest Management Act requires that National Forest planning regulations "provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives" (16 U.S.C. Sec. 1604 (g)(3)(B)). Forest planning regulations require that diversity of plant and animal communities--the entire biological community--be considered throughout the process for integrated resource planning for Forest Plans (36 CFR 219.13, 219.26 and 219.27(g)). These regulations also include provisions that specify how particular resources that are part of the biological community are to be addressed in forest planning.

Among the provisions for fish and wildlife habitat are requirements to manage habitat to maintain viable populations of vertebrate species (36 CFR 219.19 and 219.27(a)(6)). There are also requirements to select representative species to serve as indicators of the effects of management and to establish management objectives to maintain or improve habitat for these species, consistent with overall multiple-use objectives (36 CFR 219.19(a) and 219.27(a)(6)). In addition, there are requirements to protect critical habitat for threatened and endangered species, as determined by the U.S. Fish and Wildlife Service, and to contribute, where possible, to the recovery of listed species (36 CFR 219.19(a)(7) and 219.27(a)(8)).

The viability planning requirement in 36 CFR 219.19 is as follows: "Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area." In this case, the "planning area" as defined in 36 CFR 219.3 is the range of the northern spotted owl on National Forest System lands.

Because there cannot be scientific certainty about future events, it is not truly possible to "insure" the maintenance of viability of any species. Therefore, population viability for a species under 36 CFR 219.19 is evaluated in terms of the probability or likelihood that the species will persist in well-distributed patterns throughout its range in the National Forest System for a long period of time. For purposes of 36 CFR 219.19, a "high" probability of persistence insures viability.

Planning and management direction for maintaining viable populations of northern spotted owls on National Forest System lands is established in Regional Guides and Forest Plans. Regional Guides provide standards and guidelines for addressing major issues and management concerns that need to be considered at the Regional level to facilitate the development of Forest Plans under the National Forest Management Act (36 CFR 219.8(a)). Forest

Plans provide multiple-use prescriptions and associated standards and guidelines for each management area on the Forest, including proposed and probable management practices (36 CFR 219.11(c)). Management activities, permits, contracts, cooperative agreements, and other instruments for occupancy and use of National Forest System lands must be consistent with the approved Forest Plan (36 CFR 219.10(e)). Where a Forest Plan has not yet been approved, these activities must follow the standards and guidelines in the Regional Guide.

Forest Plans define multiple-use goals and objectives for the National Forests and establish a set of rules to be followed in planning and implementing projects to achieve these goals and objectives. A Forest Plan provides a framework for determining what types of activities are permitted or not permitted on various areas of a National Forest, but it usually does not make the decision to proceed or not to proceed with a specific project. Hence, Forest Plans generally do not make irreversible or irretrievable commitments of resources. Decisions on individual projects require additional analysis. Project-level decisions must be consistent with the Forest Plan, and they must also comply with National Environmental Policy Act requirements for site-specific environmental analysis and public involvement, as well as the requirements of other laws, such as the Clean Water Act and the Endangered Species Act.

III. Decision

Management Direction

It is my decision to select Alternative B as the management direction for northern spotted owl habitat on National Forest System lands within the range of the spotted owl. Alternative B is based on a comprehensive evaluation of all the relevant scientific studies completed or in process at the time and has been extensively peer reviewed. The scientists most qualified in the biology of the northern spotted owl determined that this strategy has a high probability of insuring a viable population of the northern spotted owl throughout its range for at least 100 years. This timeframe also means that alternative B has a high probability of insuring viability for all lesser time periods and is, therefore, both a short-term and long-term solution. The viability analysis, and the resulting rating, acknowledged and accounted for areas of special concern. The Conservation Strategy of Alternative B addressed these areas by establishing guidelines for additional protection measures. Alternative B, therefore, meets the viability planning requirement in the NFMA regulation (36 CFR 219.19).

The northern spotted owl is also protected on National Forest System lands as a threatened species under the Endangered Species Act. The protection of the spotted owl and its habitat provided by Alternative B is essentially the same as the protection measures that have evolved through the consultation process with the U.S. Fish and Wildlife Service.

Habitat Conservation Areas and Standards and Guidelines

This decision establishes Category 1, 2 and 3 HCAs and guidelines for establishment of Category 4 HCAs on National Forest System lands. These four categories of HCAs will be managed primarily for nesting, roosting, and foraging habitat for the northern spotted owl. Category 1 and Category 2 HCAs are large blocks of existing and potential habitat that will support multiple pairs of spotted owls. These blocks are spaced to facilitate dispersal of spotted owls between them. In areas of special concern, Category 1 and 2 HCAs do not provide sufficient security for the spotted owl because of current habitat conditions, spotted owl population densities, landscape or ownership patterns. In these areas, Category 3 HCAs are established around known or future individual pairs to supplement spotted owl populations in the larger HCAs. In addition, Category 4 HCAs are to be established around a limited number of known pairs in areas outside of other HCAs (the "forest matrix") to provide future nesting sites for spotted owls.

The forest matrix is to be managed to provide adequate dispersal habitat for northern spotted owls and, also, to provide opportunities to study spotted owls in managed forests. Fifty percent of the forested lands outside of HCAs should be maintained in stands of timber with an average diameter at breast height (d.b.h.) of 11 inches or greater and at least 40 percent canopy closure (the 50-11-40 rule).

Details of this management direction are described as Alternative B in the FEIS (Chapter 2, pages 19-40) and the ISC's Conservation Strategy. Further details and clarifications are provided in the three sets of questions and answers issued by the Interagency Scientific Committee and the Technical Review Team, which was established to interpret questions regarding the ISC's Conservation Strategy. The three documents are listed below and are part of the administrative record for this Record of Decision.

USDA Forest Service. 1991. Questions and answers on: "A conservation strategy for the northern spotted owl." Portland, OR: USDA Forest Service, Pacific Northwest Research Station. Miscellaneous Publication. February 1991. 63 p.

Thomas, J.W. 1991. Letter with memo entitled, Responses to questions pertaining to interpretation and implementation of the Interagency Scientific Committee Conservation Strategy. Answers to questions in memo provided by ISC Committee. The letter is dated January 3, 1991; the memo is dated January 2, 1991.

Mays, L.K.; Mulder, B.S. 1991. Letter with memo entitled, Responses to questions pertaining to interpretation and implementation of the Interagency Scientific Committee Conservation Strategy. Answers to questions in memo provided by members of the Technical Review Team of the Interagency Northern Spotted Owl Conservation Group (NSOG). The letter is dated April, 30, 1991; the memo is dated April 29, 1991.

Monitoring and Research

An integrated monitoring and research program is also established. This program will assess on a continuing basis the effectiveness of the Conservation Strategy and will explore opportunities to develop or maintain suitable owl habitat through silvicultural treatments.

The Regional Foresters for the Pacific Northwest and Pacific Southwest Regions and the Station Directors for the Pacific Northwest and Pacific Southwest Forest Research and Experiment Stations are directed to proceed with the northern spotted owl monitoring and research program described in the FEIS (Appendix J).

Implementation

All management activities, permits, contracts, cooperative agreements, and other instruments for occupancy and use on National Forest System lands within the range of the northern spotted owl are to be consistent with the management direction adopted by this Record of Decision.

Accordingly, this Record of Decision:

- o Amends the Pacific Southwest Regional Guide to add the HCAs and standards and guidelines for northern spotted owl habitat management of Alternative B in the FEIS. The previous management direction for northern spotted owl habitat in the Regional Guide is superseded.
- o For the Klamath, Lassen, Mendocino, Shasta-Trinity, and Six Rivers National Forests, HCAs are established and the standards and guidelines are to be applied directly to all management activities within the range of the northern spotted owl pending completion of the Forest Plans. The HCAs and standards and guidelines will be included in the Forest Plans being developed on these Forests. The Modoc National Forest Plan is amended to add the standards and guidelines of Alternative B for that portion of the Forest within the range of the northern spotted owl.
- o Amends the Pacific Northwest Regional Guide to add the HCAs and standards and guidelines for northern spotted owl habitat management of Alternative B. The previous management direction for northern spotted owl habitat in the Regional Guide, as amended, is superseded.
- o Amends the Forest Plans for the Gifford Pinchot, Mount Baker-Snoqualmie, Mount Hood, Olympic, Rogue River, Siuslaw, Siskiyou, Umpqua, and Willamette National Forests to add the HCAs and standards and guidelines for northern spotted owl habitat management of Alternative B. It amends the Forest Plans for the Deschutes, Okanogan, Wenatchee, and Winema National Forests to add the HCAs and standards and guidelines of Alternative B for that portion of those Forests within the range of the northern spotted owl.

Projects will be conducted according to the management direction in the Forest Plans, as amended by this decision. Management direction in the Regional Guides and Forest Plans that is not directly superseded by this decision remains in effect. The standards and guidelines adopted by this

decision assume that the existing standards and guidelines and management area designations and prescriptions for forest lands outside HCAs will remain in effect. Changes in management direction on such lands will have to be carefully evaluated through the adaptive management process. The obsolete Spotted Owl Habitat Areas (SOHAs) of the Forest Plans are replaced by either the standards and guidelines for HCAs or the standards and guidelines for the forest matrix and surrounding management areas. The annual quantity of timber offered for sale will reflect the harvest implications of the standards and guidelines and HCA designations.

Specific standards and guidelines are provided for timber management in HCAs, including timber sales currently under contract (FEIS, Chapter 2, pages 30-31). In cases where existing sales do not meet the requirements outlined in the standards and guidelines, the Forest Service will make every effort to work with purchasers to bring these sales into compliance. The standards and guidelines apply to these sales, even if the sales are exempt from judicial review or are covered by a biological opinion from the U.S. Fish and Wildlife Service that states the sales would not jeopardize the continued existence of the spotted owl.

Situations may arise in the future where standards and guidelines will need to be evaluated. The Conservation Strategy provides for some activities, such as salvage of timber in HCAs and land exchanges, if they have been reviewed by the Technical Review Team. This Record of Decision provides a process for evaluation of proposals to modify the standards and guidelines through adaptive management.

Regional Guide and Forest Plan Amendments

This decision amends the Regional Guides for the Pacific Northwest and Pacific Southwest Regions to prescribe standards and guidelines for management of northern spotted owl habitat to be used in the forest planning process. In addition, the affected Forest Plans are amended to add the HCAs and standards and guidelines.

The degree to which the HCAs and the standards and guidelines for the management of habitat for the northern spotted owl in this decision require changes in existing management prescriptions in the Forest Plans varies by Forest. Although the area available for timber production and the annual quantity of timber offered for sale is limited by this decision, as disclosed in the FEIS, this decision does not amend the Forest Plans to change the suitable land base or allowable sale quantities. Additional analysis and public involvement under the process provided by the National Forest Management Act and the National Environmental Policy Act are required at the Forest level before making these adjustments.

Each National Forest must analyze its own management situation and capabilities to determine the effects of implementing this decision on other multiple-use goals and objectives in the Forest Plan. Each Forest must then determine whether the adjustments required to manage habitat for the spotted owl are to be addressed through further Forest Plan amendments or revision. Individual Forests will want to consider other changes in the Forest Plans to mitigate some of the adverse economic effects of this decision on local communities. This Record of Decision replaces previous direction for management of spotted owl habitat and assumes that other

Forest Plan standards and guidelines and management area designations and prescriptions for the forest matrix will remain in effect (FEIS, Chapter 2, page 32). Changes in management direction on such lands would have to be carefully evaluated through the forest planning process and the adaptive management process.

In summary, analysis of the effects of implementation of Forest Plans as amended by this decision, additional public involvement, environmental analysis, and interdisciplinary evaluation of alternatives for all forest resources will have to be undertaken by each National Forest to determine what further amendments or revisions of Forest Plans are needed. The timing to initiate this process will depend on a number of factors, including the status of the Recovery Plan and the need to respond to changes in resource conditions on the Forest.

Adaptive Management

This decision includes an adaptive management process to monitor and evaluate implementation of the standards and guidelines. If monitoring indicates that adjustments are needed to increase protection for spotted owl habitat or to expand management options for other forest resources, the processes outlined for adaptive management will be followed.

The adaptive management process will involve both technical and management groups within the Forest Service and interagency groups in which the Forest Service participates. An interagency Technical Review Team was set up in November 1990 to provide interpretation of the Conservation Strategy, to review proposed actions under the standards and guidelines to determine consistency with the strategy, and to evaluate monitoring and research information over time to determine the need or desirability of modifying the strategy (FEIS, Chapter 2, pages 33-34). The Technical Review Team will review and make recommendations on proposals to modify or adjust HCAs, proposals for various activities within HCAs, and proposals for activities within the forest matrix that might not be compatible with the Conservation Strategy.

The Forest Service established the Northern Spotted Owl Steering Committee and the Northern Spotted Owl Oversight Team to perform functions similar to the Technical Review Team. The composition and functions of the Oversight Team and Steering Committee are discussed in the FEIS (Chapter 2, page 35). The Oversight Team and the Steering Committee will ensure a consistent interpretation of the standards and guidelines adopted by this decision on National Forest lands across regional and forest boundaries. They will also facilitate coordination with the Technical Review Team on the review of proposals to modify management direction through the adaptive management process.

Relationship to the Endangered Species Act

Adoption of the Conservation Strategy does not relieve the Forest Service of its responsibilities under the Endangered Species Act. The Forest Service will continue appropriate consultation and conferencing with the U.S. Fish and Wildlife Service and National Marine Fisheries Service as

required by Section 7 of the Endangered Species Act. On December 18, 1991, the U.S. Fish and Wildlife Service issued their biological opinion on the Draft Environmental Impact Statement and stated that adoption of Alternative B is not likely to jeopardize the continued existence of the northern spotted owl. Consultation on specific projects will occur before specific projects are implemented in areas where spotted owls are present.

In addition, on January 15, 1992, the U.S. Fish and Wildlife Service designated 5.7 million acres of National Forest System lands as critical habitat for the spotted owl. Eighty percent of this area is in HCAs. The U.S. Fish and Wildlife Service excluded from designation portions of HCAs that were part of wilderness areas. It extended protection under the Endangered Species Act to approximately 1.2 million acres of spotted owl habitat outside of HCAs. Consultation will occur before any actions are taken that may result in the destruction or adverse modification of critical habitat, whether or not spotted owls are present.

IV. Alternatives Considered

The Purpose and Need for the Proposed Action

The underlying purpose and need to which the Forest Service responded in proposing alternatives are described in Chapter 1 of the FEIS. Specifically, the FEIS states:

The Forest Service has a need to manage National Forest habitat for the northern spotted owl (Strix occidentalis caurina) within the requirements of the National Forest Management Act (NFMA) and its implementing regulations as interpreted in Seattle Audubon Society, et al. v. Evans, et al., No. 89-160WD (SAS v. Evans).

The underlying purposes are:

- 1) to satisfy the court order "to submit to the court and have in effect by March 5, 1992 revised standards and guidelines to ensure the northern spotted owl's viability, together with an environmental impact statement, as required by NFMA and its implementing regulations." (SAS v. Evans), and
- 2) to amend the Regional Guide and the Forest Land and Resource Management Plans for the Pacific Northwest Region, and amend the Regional Guide for the Pacific Southwest Region, to provide management direction to the National Forests within the range of the northern spotted owl.

Alternatives Considered in Detail

The FEIS explored and evaluated a reasonable range of alternatives which met this underlying purpose and need, as well as the "no-action" alternative required by 40 CFR 1502.14(d) and one alternative management strategy raised during the period of public comment on the Draft Environmental Impact Statement (DEIS). All alternatives would require

compliance with consultation requirements for critical habitat under the Endangered Species Act (see Section VIII of this ROD).

These alternatives included:

Alternative A - Spotted Owl Habitat Areas ("No-Action Alternative")

Alternative A would manage the National Forests as directed in the Regional Guides and Forest Plans. Those guides and plans prescribe management areas known as Spotted Owl Habitat Areas (SOHAs) for maintenance of spotted owl habitat.

This alternative meets the Council on Environmental Quality's requirements for a "no-action" alternative required in environmental impact statements.

Alternative B - ISC Conservation Strategy

This alternative would manage the National Forests using the Conservation Strategy presented by the Interagency Scientific Committee in its 1990 report "A Conservation Strategy for the Northern Spotted Owl". This alternative was identified as the "Proposed Action" in both the DEIS and FEIS.

Alternative C - ISC Conservation Strategy Plus Critical Habitat

This alternative would manage the National Forests using the Conservation Strategy presented by the Interagency Scientific Committee and further expand the Habitat Conservation Areas to include the Critical Habitat Units identified by the U.S. Fish and Wildlife Service in its January 15, 1992, rule.

It is assumed that ground-disturbing management activities in Critical Habitat Units would be more restricted under the standards and guidelines for HCAs, as provided by this alternative, than they would be under the guidelines that result from consultation. The U.S. Fish and Wildlife Service's January 15, 1992, rule did not prescribe activities that would or would not be permitted in Critical Habitat Units. As stated above, consultation for activities that may destroy or adversely modify spotted owl habitat in Critical Habitat Units will occur under all alternatives.

Alternative D - ISC Conservation Strategy plus All Nesting, Roosting, and Foraging Spotted Owl Habitat

This alternative would manage the National Forests using the Conservation Strategy presented by the Interagency Scientific Committee and further apply the prescriptions for Habitat Conservation Areas to all existing northern spotted owl nesting, roosting, and foraging habitat.

Alternative E - "A Multi-Resource Strategy for the Conservation of the Northern Spotted Owl"

This alternative would adopt a strategy developed by the Spotted Owl Subgroup of the Wildlife Committee of the National Forest Products Association and American Forest Council. It proposes an alternative

set of standards and guidelines and an alternative set of conservation areas to protect the northern spotted owl.

Alternatives Considered but Eliminated from Detailed Study

Several alternatives were considered but eliminated from detailed study.

Alternatives presenting an old-growth forest management plan, or focusing on the management of other old-growth associated wildlife species, were considered but were eliminated from detailed study. All old-growth forests are not spotted owl habitat; all spotted owl habitat is not old-growth forest. The Regional Guides, the approved Forest Plans, and those Forest Plans still in preparation, all address the issue of old-growth forest management. The decision here is focused on management direction that will insure the viability of the northern spotted owl. Its effects on old growth and old-growth associated species are identified in the FEIS.

Alternatives which would have prescribed management direction for lands managed by other Federal agencies, tribes, states, and private individuals were suggested, but were eliminated from detailed study. The Forest Service has no authority to prescribe management on these other lands. The management of these lands and effects on them, however, are factors that were considered in the FEIS.

Some commenters suggested exempting certain parts of the spotted owl's range from consideration. These proposals were considered but eliminated from detailed study because they would not meet the regulatory requirement to insure the viability of the northern spotted owl throughout its range within the planning area.

Other proposals were received suggesting silvicultural regimes which could be applied to parts of the northern spotted owl's range. Stand management techniques such as extended rotation and commercial thinning should be explored through research and experimentation. Our knowledge of how to create and maintain spotted owl habitat in managed stands is insufficient at this time to apply these suggestions.

Officials of Siskiyou County, California, and others proposed developing a separate environmental impact statement, including separate standards and guidelines, to revise the Pacific Southwest Regional Guide. Current information on differences in habitat in this part of the spotted owl's range does not indicate a need for a separate analysis for California. If future information indicates a need, standards may be adjusted through the adaptive management component of Alternative B.

Two proposals from the Northwest Forestry Association would have reduced the acreage in the HCAs identified by the Interagency Scientific Committee. These proposals were not considered in detail, as initial evaluation showed they would not meet the regulatory requirement of insuring the northern spotted owl's viability. A similar, but more comprehensive and detailed, management strategy developed by this group was analyzed in the FEIS as Alternative E.

No proposals were received from the plaintiffs in SAS v. Evans.

The Environmentally Preferable Alternative

"The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources." (Council on Environmental Quality, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations (40 CFR 1500-1508), Federal Register Vol. 46, No. 55, 18026-18038, March 23, 1981; Question 6a.)

Alternatives B, C, D, and E are preferable to the no-action alternative (Alternative A), in that all of these alternatives limit disturbance to the environment relative to the no-action alternative, and thereby mitigate adverse consequences to the northern spotted owl and its habitat. Since the least human-caused change to the biological and physical environment, as well as to historic, cultural, and natural resources, would occur with Alternative D, it is the environmentally preferable alternative. This preference is indicated despite the likelihood that Alternative D also could result in a higher risk of catastrophic forest fires and forest loss from disease and insect infestation. All of the alternatives provide the protection to environmental factors afforded by the standards and guidelines of the Regional Guides and Forest Plans, as well as the protection developed in environmental analysis, to avoid and mitigate adverse effects of projects and management activities.

V. Reasons for the Decision

Meeting the Purpose and Need for Action

The selection of Alternative B puts into effect "revised standards and guidelines to ensure the northern spotted owl's viability" as ordered by the District Court. Adoption of Alternative B meets the purpose and need and the regulatory requirement to insure viability. Although the environmental analysis and public involvement required for this decision had to be completed within the extremely tight time frames mandated by the court, they provided the information needed for an informed decision.

Factors Considered

Primary consideration was given to the need to select a scientifically credible management strategy with a high probability of maintaining viable populations of the northern spotted owl on National Forest System lands. The information considered in reaching this decision is contained in the administrative record, including but not limited to the FEIS, the ISC Report, peer reviews of the ISC Conservation Strategy and of the Multi-Resource Strategy proposed by forest industry (Alternative E), the results of Section 7(a) consultation with the U.S. Fish and Wildlife Service, public comment, and applicable laws and regulations. Also

important was the need to minimize the economic and social impact of this decision.

Comparison with Other Alternatives

Alternative B (along with Alternatives C and D) insures the viability of the northern spotted owl, by providing a high probability of both short and long-term viability of the owl.

Alternative A does not ensure the viability of the northern spotted owl, as it would provide only a low probability of long-term viability of the owl.

Alternative E does not ensure the viability of the northern spotted owl. It would provide only a low probability of long-term viability because (1) designated areas for habitat management are not large enough; (2) portions of the owl's range on the east side of the Cascade Mountains in Oregon and Washington, the north Oregon Coast Range, and the Olympic Peninsula are outside the Owl Management Zone; (3) there is limited latitude for catastrophic events; and (4) owl cluster sizes are small.

Economics--All of the alternatives, including the "no-action" Alternative A, project declines in employment and income related to National Forest timber harvests, compared with historic averages for the past 5 years (1986-1990) and the past decade (FEIS, Chapter 2, page 69; Chapter 3&4, pages 192-195). The FEIS discusses trends and factors affecting timber markets, employment, and income in the Pacific Northwest (FEIS, Chapter 3&4, pages 171-196). Of the alternatives that ensure the northern spotted owl's viability (Alternatives B, C, and D), Alternative B has the least adverse effects on the economy and on timber-dependent communities of the three states.

Timber--Under Alternative B, 74 percent of the 6.1 million acres of northern spotted owl nesting, roosting, and foraging habitat on National Forest System lands will be unavailable for timber production (FEIS, Chapter 3&4, page 110). Of the total area on the affected National Forests that is physically capable of being managed for timber production, over 6.7 million acres, 55 percent, will be available for timber production (FEIS, Chapter 3&4, page 110). This total includes approximately 1.6 million acres of northern spotted owl habitat outside of HCAs (FEIS, Chapter 3&4, page 56). Any timber harvests in northern spotted owl habitat outside of HCAs will, of course, still be subject to consultation requirements with the U.S. Fish and Wildlife Service, the standards and guidelines for management of the forest matrix that are part of this decision, and other resource protection standards and guidelines in the Forest Plans.

Of Alternatives B, C, and D, Alternative B also provides the most opportunity to use adaptive management in these National Forests to find ways of maintaining, creating, or accelerating the development of suitable owl habitat and potentially to lower threats to the forests from fire, insects, and disease. The ISC recommended, as part of its strategy, experimentation and testing of silvicultural treatments to improve, maintain, or develop suitable owl habitat over time (FEIS, Chapter 2, page

33). The management situation for fire, insects, and disease is discussed in Appendix F and Appendix G of the FEIS.

Discussion of Tradeoffs

Implementation of this decision will have significant effects on the economy and communities of the Pacific Northwest. However, the best scientific information available at this time indicates that Alternative B provides reasonable guidelines for habitat management for the northern spotted owl that will insure its viability. Achieving short and long-term protection for the spotted owl at a much lower cost to people, communities, and the economy does not appear possible at this time based on existing information; the Conservation Strategy, however, provides for modification of proposed management as new information becomes available.

Long-term options for timber management in areas providing habitat for the northern spotted owl are not foregone by this decision. The monitoring and research components of this decision will explore silvicultural treatments that have less adverse effects on the people dependent on National Forest timber harvests and insure the spotted owl's viability.

VI. Public Involvement

Summary of the Process

Information describing the public involvement process up to the publication of the Final Environmental Impact Statement (FEIS) is presented in Appendix L (Public Involvement) of the FEIS. The environmental impact statement was developed with involvement of the public, state, local, and tribal governments, and other Federal agencies.

The Forest Service published a Draft Environmental Impact Statement (DEIS) disclosing the environmental effects of alternatives on September 27, 1991. The public was afforded three months in which to submit comments. During that time, the Forest Service held public hearings in Olympia, Washington; Salem, Oregon; and Redding, California. About 150 people presented official testimony at those hearings. Most of the public comment was received through the mail. Over 5,000 comments on the draft were received.

Public comments resulted in several changes between the DEIS and the FEIS. A major change is the inclusion of a new alternative--Alternative E--based on the Multi-Resource Strategy offered by the Spotted Owl Subgroup of the Wildlife Committee of the National Forest Products Association and the American Forest Council.

Notice of the availability of the FEIS for public review was published in the Federal Register on January 31, 1992. Because no administrative appeal of the this decision is available, a 30-day period between publication of the FEIS and the Record of Decision was required (40 CFR 1506.10(b)(2)).

The public comments received following release of the FEIS, as well as those received on the DEIS, have been considered in making this decision.

Major Concerns from Public Comment

Major concerns expressed by the public included:

- o Whether the ISC Conservation Strategy is scientifically credible and whether new information available since its release was considered.
- o Whether the risks and uncertainties to the short-term and long-term viability of the spotted owl under the ISC Conservation Strategy were properly disclosed and evaluated.
- o Whether the Forest Service can ensure the viability of the northern spotted owl when other owners and agencies manage habitat in its range and the ISC Conservation Strategy assumed all Federal agencies would participate in the strategy.
- o Whether the environmental impact statement as a whole, or one or several alternatives, should have focused on a management plan for old-growth forest ecosystems.
- o Whether less intensive management applied to the whole forest, rather than habitat conservation areas, should have been used both to supply timber and to provide spotted owl habitat.
- o Whether the needs of people and communities were properly weighed against the the needs of the spotted owl.

The following discussion explains how these major concerns were addressed in making this decision. Specific comments and responses on the DEIS appear in Appendix L of the FEIS. Appendix A of this Record of Decision responds to the comments received on the FEIS. Appendix B of this Record of Decision responds to comments made by plaintiffs and intervenors in SAS v. Evans.

Response to Major Concerns

The scientific credibility of the ISC Conservation Strategy and consideration of new information.

After consideration of the criticisms of the Conservation Strategy by other scientists, in particular the testimony by several scientists in SAS v. Evans, the decision is to adopt the strategy recommended by the scientists on the Interagency Scientific Committee, who are widely acknowledged as the most knowledgeable in the biology of the spotted owl.

In making this decision, recent information on northern spotted owls and their habitat needs, including indications of differences in habitat use and habitat characteristics in various parts of the range and reports of spotted owl use of second-growth, managed stands, was considered. Preparation of the environmental impact statement included a thorough

review of relevant scientific studies and other literature that have been published, or are in process, since the Interagency Scientific Committee published its Conservation Strategy. A summary of published and unpublished sources reviewed is presented in Appendix D (Annotated Bibliography) of the FEIS. While much of the new information adds precision and affirms the scientific knowledge of the spotted owl's biology and habitat needs, none alters the principles on which the ISC Conservation Strategy is based.

While the FEIS was being printed, additional information on northern spotted owl populations and their habitat was presented during the administrative hearing on the Bureau of Land Management's request to the Endangered Species Committee for an exemption under the Endangered Species Act (see the discussion of related activities on lands managed by the Bureau of Land Management under Section VIII of this ROD). In testimony, Dr. Barry Noon stated that the amount of habitat on Bureau of Land Management lands may be lower than previously expected. In addition, a recent demographic analysis by Drs. Anderson and Burnham shows that populations are declining in five areas and that the rates of decline may be accelerating. A draft of this report was available for and considered in the FEIS (FEIS, Chapter 3&4, page 35). After preliminary review, it was concluded that this information does not represent a significant change in the status and trends for the owl. Declining trends were anticipated in the ISC Report.

A later version of the Anderson and Burnham analysis was presented at the Endangered Species Committee hearings. The conclusions of the two versions are the same. This information does not run counter to the assumptions underlying the ISC Report or Alternative B and there is no need to change the strategy's standards and guidelines or process of implementation. Because demographic parameters are crucial in determining the status of the spotted owl, this information will be reviewed as part of the adaptive management process.

Evaluation and disclosure of risks and uncertainties to the short-term and long-term viability of the spotted owl.

The viability analysis in the environmental impact statement was developed and reviewed by leading spotted owl experts and scientists and received favorable comments. The criteria used are appropriately based on measures of the amount and distribution of habitat. The seven criteria used to evaluate viability are indices of specific population parameters. This analysis is independent and additional to the ISC Report's risk analysis.

There is a potential threat to the spotted owl in both the short term and the long term. It is not possible to provide a 100 percent assurance for the viability of a species. However, the standards and guidelines provide for large blocks of suitable habitat and for dispersal habitat, and in the short term protect key habitat areas and pairs of spotted owls. Because the Conservation Strategy provides for continuous distribution of breeding pairs, restoration of habitat in key areas, interaction among pairs and subpopulations, and monitoring and research, it provides for the viability of the spotted owl in both the short term and the long term.

In the determinations of the viability ratings for the alternatives, potential threats to the spotted owl were recognized for specific areas, such as the Coast Range. While there is a potential risk in the short term to spotted owls in specific areas, there is a realistic expectation of natural recolonization of these areas from adjacent areas with ample habitat and numbers of spotted owls. Therefore, even with these recognized threats to the spotted owl, the overall rating for Alternative B was HIGH.

The relationship of this decision to management of northern spotted owl habitat on other land ownerships.

Forest Service authorities and responsibilities to maintain the viability of the northern spotted owl apply only to National Forest System lands.

The relationship of this decision to management of old-growth forest ecosystems.

This decision responds to the stated purpose and need for a management plan to ensure the viability of the northern spotted owl. Alternatives for management of old-growth ecosystems and associated wildlife species, including those alternatives developed by the Scientific Panel on Late Successional Forest Ecosystems, would require consideration of issues, concerns, and opportunities that are beyond the purpose and need. Therefore, alternatives of this nature were considered but eliminated from detailed study (see discussions in Section IV of this ROD; FEIS, Chapter 2, pages 73-76, and Appendix L, pages A-16 and A-17).

For purposes of forest planning and monitoring, the northern spotted owl has been selected as a management indicator species for the effects of management activities on old-growth forests and associated species. Identification of a species as a management indicator, however, is independent of the regulatory requirement for maintenance of viability (see the discussion of planning requirements in Section II of this ROD). To ensure the viability of the northern spotted owl, the alternatives considered for this decision focus on habitat needs specific to the spotted owl.

However, information was displayed in the FEIS with regard to the effects of Alternative A through E on existing old-growth stands and associated wildlife species. Those alternatives that result in a high probability of maintaining the viability of the northern spotted owl also provide additional protection for other species associated with old-growth forests.

Possibilities for less intensive management of the whole forest to provide spotted owl habitat.

Research to date suggests that large designated areas set aside to provide habitat for multiple pairs of spotted owls provide for greater likelihood of persistence of spotted owls than do small areas of habitat surrounded by managed stands. Until our ability to create or enhance spotted owl habitat through silvicultural treatments is more fully understood, this decision adopts the recommendations in the ISC Conservation Strategy to protect

stands in a manner known to favor spotted owls (that is, no silvicultural treatment). Hypotheses about the use of timber management to create or improve spotted owl habitat need to be developed and tested. This decision provides for research and experimentation in the forest matrix on the use of silviculture to maintain or improve spotted owl habitat. If this research demonstrates that silvicultural treatments are beneficial to spotted owl habitat, the adaptive management process provides a means to consider adjustments to the management direction.

The effects of this decision on people and communities.

Many of the comments stated that the needs of the people and communities affected by this decision should be considered equal to, or more important than, the needs of the spotted owl. These comments clearly express a frustration with the Endangered Species Act, the viability planning regulation, and legal rulings that seem to disregard the needs of people, their families, and their communities.

Alternative B was selected to minimize adverse social and economic effects of this decision, while complying with all applicable laws and regulations. Of the alternatives that meet the regulatory requirement for viability, Alternative B has the least adverse social and economic effect. Using Alternative A (existing Forest Plans) as a base, the FEIS projects under Alternative B a 43 percent decline in jobs related to timber harvests from National Forests (FEIS, Chapter 3&4, page 186; see also, Additional Information: Revised Employment Coefficients, which was issued with errata to the FEIS on February 5, 1992).

Regardless of the alternative selected, the Forest Service will continue to provide protection for the northern spotted owl and its habitat under the Endangered Species Act. This decision seeks to adopt a scientifically credible plan to protect spotted owl habitat on National Forests, while minimizing the loss of jobs and revenue in communities dependent on National Forest timber harvest. The intent is to meet the requirements of the court injunction so that projects developed through interdisciplinary planning, public involvement, and environmental analysis as provided by the National Forest Management Act, the National Environmental Policy Act, and the Endangered Species Act will be able to proceed on the National Forests within the planning area.

VII. Findings Required by Other Laws or Regulations

Consultation Required by the Endangered Species Act

On December 18, 1991, the U.S. Fish and Wildlife Service issued their biological opinion on the Draft Environmental Impact Statement and stated that adoption of Alternative B is not likely to jeopardize the continued existence of the northern spotted owl. Because this decision does not authorize any site-specific activities, incidental take will be evaluated through consultation on a project level basis when site-specific information is available.

On January 15, 1992, the U.S. Fish and Wildlife Service's final rule designated critical habitat for the northern spotted owl (57 FR 1796). Since the alternatives considered for this decision provide direction for spotted owl habitat protection and are not a plan for timber harvest, the Forest Service will consult with the U.S. Fish and Wildlife Service with regard to critical habitat at the project level when ground-disturbing activities are proposed. The Forest Service has discussed this approach to consultation on critical habitat with the U.S. Fish and Wildlife Service, and they have concurred.

On January 7, 1992, the National Marine Fisheries Service stated that implementation of any alternative in the DEIS is unlikely to adversely affect the Snake River salmon species currently listed or proposed for listing under the Endangered Species Act.

Review by the Environmental Protection Agency

The Environmental Protection Agency (EPA) reviewed the Draft Environmental Impact Statement and raised no environmental objections (Appendix L, page B-8). The Environmental Protection Agency rated the Draft EC-2 (Environmental Concerns - Insufficient Information). After reviewing the FEIS, EPA stated in its letter of February 24, 1992, that the FEIS adequately responded to its concerns.

VIII. Related Activities under the Endangered Species Act

Designation of Critical Habitat

The U.S. Fish and Wildlife Service designated critical habitat for the northern spotted owl in January 1992. To identify areas for critical habitat, the U.S. Fish and Wildlife Service began with the areas designated as HCAs under the ISC Conservation Strategy and added to or deleted areas to satisfy their criteria. Approximately 5.7 million acres of National Forest System lands were designated as critical habitat; approximately 1.2 million of these acres are outside of HCAs. The critical habitat designation, however, applies no specific management prescription to the areas designated. In accordance with Section 7(a) of the Endangered Species Act, the Forest Service will consult with U.S. Fish and Wildlife Service on any activities that may destroy or adversely modify spotted owl habitat in critical habitat areas.

The effects of critical habitat designation could not be fully evaluated in the FEIS because management guidelines for critical habitat were not included in the designation. In the FEIS, Alternative C expanded the area covered by the prescription for HCAs to the Critical Habitat Units identified in the final rule. It is expected, however, that this prescription is more restrictive than could actually occur in Critical Habitat Units outside of HCAs. Therefore, the effects of critical habitat designation would likely fall somewhere between the effects estimated for Alternatives B and C in the FEIS.



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The Recovery Plan

The U.S. Fish and Wildlife Service has also been working with an interagency team (including state representatives) to develop a Recovery Plan for the northern spotted owl, as provided by the Endangered Species Act. The Northern Spotted Owl Recovery Plan, once approved, will serve as a guide to future Federal, state, and private activities affecting the spotted owl. The goal of the Recovery Plan is to manage habitat so that the northern spotted owl will no longer need to be listed under the Endangered Species Act. Department of Agriculture and Forest Service representatives are participating on the Recovery Team. When the U.S. Fish and Wildlife Service issues an approved Recovery Plan for the northern spotted owl, the Forest Service will identify its objectives under the Recovery Plan. The Forest Service will determine at that time if adjustments to the management direction in this decision are necessary.

Management on Bureau of Land Management Lands

The Bureau of Land Management is currently in the process of formulating alternatives for its Resource Management Plans, including plans for its Oregon lands within the range of the northern spotted owl.

On September 11, 1991, the Bureau of Land Management petitioned Department of the Interior Secretary Manuel Lujan, Jr. to convene the Endangered Species Committee to consider applying the Endangered Species Act exemption process to 44 timber sales located in spotted owl habitat in western Oregon. The decision of the Endangered Species Committee on these 44 sales is expected later this year. The viability rating for Alternative B (and other alternatives) assumed that management activities on Bureau of Land Management lands would comply with Section 7(a) of the Endangered Species Act. In its Biological Opinion on the Draft Environmental Impact Statement, the U.S. Fish and Wildlife Service stated that it would consider the granting of an exemption to the Bureau of Land Management by the Endangered Species Committee as significant new information, which would require the Forest Service and the U.S. Fish and Wildlife Service to consider the need for reinitiation of consultation.

IX. Effective Date and Implementation

The standards and guidelines of this management plan are effective as of the date of this Record of Decision. Because this decision amends Regional Guides and Forest Plans, it will be implemented 30 days after publication of this Record of Decision in the Federal Register. Until 30 days after the publication of this Record of Decision, there will be no ground-disturbing or habitat-modifying actions, and no Records of Decision, Decision Notices, or Decision Memos signed for timber sales, salvage sales, road construction, or other development activities, in Habitat Conservation Areas or in spotted owl nesting, roosting, and foraging habitat.

X. The Administrative Record

This decision and the accompanying environmental impact statement comply with the requirements of the court's March 7, 1991, and May 23, 1991, rulings in SAS v. Evans, and are in accordance with the National Forest Management Act (16 U.S.C. Sec. 1600 et seq.), the National Environmental Policy Act (42 U.S.C. Sec. 4321 et seq.), and the Endangered Species Act (16 U.S.C. 1531-1536, 1538-1540), and other applicable laws.

Information about the northern spotted owl, its habitat needs, the analysis of population viability, and management alternatives and their environmental impacts were presented in the Final Environmental Impact Statement on Management for the Northern Spotted Owl in the National Forests, published in January 1992, and its accompanying administrative record. This Record of Decision is based on that information. Readers are referred to the FEIS and the administrative record for detailed information.

XI. Administrative Review

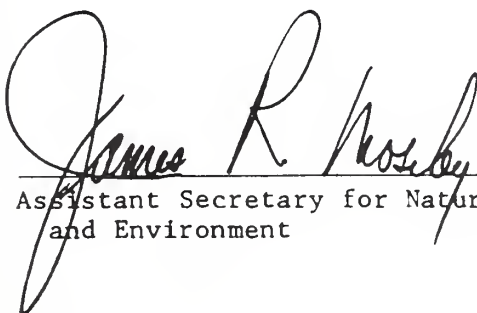
This decision by the Secretary of Agriculture, delegated to the Assistant Secretary for Natural Resources and Environment pursuant to 7 CFR 2.19 (56 FR 27889), is the final decision of the Department of Agriculture. There is no opportunity for administrative review.

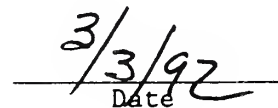
Decisions on site-specific projects affecting northern spotted owl habitat will continue to be subject to the requirements of the National Forest Management Act, the National Environmental Policy Act, the Endangered Species Act, other environmental laws, and the administrative review process provided in 36 CFR 217.

XII. Contact Person

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202-205-1523

XIII. Signature, date


Assistant Secretary for Natural Resources
and Environment


Date